

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD LAIRD : CIVIL ACTION
v. :
: NO. 23-3429
:
J. TERRA, WYNDER, HENSLEY, ALL :
PROGRAM REVIEW COMMITTEE :
MEMBERS AT SCI PHOENIX :
:
:

ORDER

AND NOW, this 31st day of January 2024, upon considering the Commonwealth Defendants' Motion to dismiss (ECF No. 26), Plaintiff's Response (ECF No. 29), and for reasons in the accompanying Memorandum confirming Plaintiff fails to plead personal involvement for some of the named parties, and for those parties whom Plaintiff pleads personal involvement we find he does not plead constitutional violations, but mindful of the Plaintiff's incarcerated pro se status, it is **ORDERED** we **GRANT** Defendants' Motion (ECF No. 26) requiring we dismiss:

1. all claims against Secretary Harry with prejudice and **amend** the caption above;
2. the First, Eighth, and Fourteenth Amendment claims concerning Plaintiff's placement on modified movement restrictions as to Deputy Superintendents Wynder and Hensley with prejudice; and,
3. the Eighth and Fourteenth Amendment claims concerning Plaintiff's placement in solitary confinement as to Superintendent Terra, Deputy Superintendents Wynder and Hensley, and the Review Committee Members, and the First, Eighth, and Fourteenth Amendment claims concerning Plaintiff's placement on modified movement restrictions as to Superintendent Terra and the Review Committee Members **without** prejudice granting the incarcerated Plaintiff leave to file an amended Complaint on or before **March 4, 2024**.supported by facts and legal claims

guided by today's accompanying Memorandum and cognizable in our limited subject matter jurisdiction.



KEARNEY, J.